

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDMUND GITTENS,

Plaintiff,

**NOTICE OF MOTION TO
DISMISS**

-against-

THE CITY OF NEW YORK, et. al.,

10 CV 8502 (PAC)

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of Mark D. Zuckerman dated March 1, 2011 and the exhibits annexed thereto; and defendant's Memorandum of Law dated March 1, 2011; and upon all prior pleadings and proceedings had herein, defendant City of New York will move this Court, before the Honorable Paul A. Crotty, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss plaintiff's complaint and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that, plaintiff is to serve his opposition papers on the undersigned on or before April 4, 2011; and

PLEASE TAKE FURTHER NOTICE that defendants are to serve their Reply papers on or before April 11, 2011.

Dated: New York, New York
March 1, 2011

MICHAEL CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
100 Church Street, Room 3-211
New York, New York 10007
(212) 442-8248

By: /s/
Mark D. Zuckerman
Senior Counsel